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JC20 NEGOTIATION 21 OCT 2005

IPEA
EPO
D-80298 Munich
Germany

23rd May 2005

Dear Sirs

PCT/GB2004/001738
Our ref: VoiceMessenger (PCT)

Thank you for the Written Opinion of the ISA.

The Written Opinion cites 3 category X documents against the independent claims:

- D1** US 5712901 (Meermans)
- D2** WO 02/23872 (Yahoo!)
- D3** US 5163081 (Wycherley)

In light of the citations, the applicant files replacement pages as follows:

Replacement page 3 to replace page 3 as originally filed.

Replacement claims pages 37 - 40 to replace claims pages 37-39 as originally filed.

Triplicate copies will follow by post, together with one set marked to show all changes.

Amended Claim 1 now reads:

1. A method of generating a SMS or MMS text message from a first mobile telephone for receipt by a second mobile telephone, comprising the steps of:
 - (a) receiving a voice message at a server, the voice message having been sent from the first mobile telephone by an end-user originator;
 - (b) converting the voice message to an audio file format;

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- (c) sending or streaming the audio file over a wide area network to a voice to text transcription system comprising a network of computers;
- (d) one of the networked computers playing back the voice message to an operator;
- (e) the computer receiving as input the original voice message, intelligently transcribed by the operator as a transcribed text message;
wherein the method is characterised in that:
 - (i) the end-user originator selects an option or function of the first mobile telephone that causes the voice message to be remotely transcribed to a SMS or MMS message for display on the second mobile telephone; and
 - (ii) the computer causes the transcribed text message to be sent to the second mobile telephone as the SMS or MMS message.

None of the cited art deals with the specific problem of a user wanting to send a SMS or MMS message to someone from a mobile telephone, but being unable to do so (perhaps because accessing the SMS texting functionality and using the small keyboard is too difficult – a very major problem for many users of mobile telephones). Instead, **D1** describes a phone mail system in which the message *recipient* determines the format in which he wishes to receive the message; the message originator simply leaves a voice message; what happens to that voice message then depends on the configuration selected by the message recipient:

“Phone mail unit 104 uses the customer information to determine if the account is configured for translation, namely if the customer has ordered the translation service” column 5 lines 28 – 30.

Hence, nowhere does **D1** deal with the situation in which the message *originator* determines that he wants a SMS or MMS received, but cannot send that directly. Essential to the present invention is therefore the requirement, now explicitly in Claim 1 that:

the end-user originator selects an option or function of the first mobile telephone that causes the voice message to be remotely transcribed to a SMS or MMS message for display on the second mobile telephone

Neither **D2** nor **D3** deal with this situation either; nor do they teach the specific steps now include in Claim 1. We believe that the closest prior art is, arguably, the Nokia Short Voice Messaging system (see EP 1248486) in which a user can speak a message to his mobile telephone, which *locally* converts it to text using an automated voice

recognition engine and then packages and sends it as a SMS message. But this clearly teaches away from any kind of *remote* conversion of a voice file meant to be received as a SMS message. We note also that an argument that it would be inherently obvious to modify EP 1248486 so that the voice file is *remotely* converted is one guided by an ex post facto appreciation of the present invention; the reality is that contemporary mobile telephone design is primarily about building in more features *into* the handset and not about displacing handset features out into the network. Hence, the skilled implementer would not *as a matter of course* be led to the solution of remote conversion of a voice file.

Although our argument does not turn on whether the human operator actions in Claim 1 are “technical” or not, we wish to adopt the sentiment expressed in the specification itself at page 7, lines 30 – 32:

Key to the efficient operation of this system is an IT architecture that rapidly sends voice files to the operators and allows them to rapidly hear these messages, efficiently generate a transcription and to them send the transcribed message as a text message.

The method steps recited in Claim 1 that are associated with the human operator’s actions define the features and operation of the IT architecture that achieves this goal; they do not cover human operator steps per se.

In addition to the changes to Claim1, we have included a new Claim 17:

17. The method of any preceding Claim when used in conjunction with an automated voice recognition system to speed up the processing of the audio file.

This finds support at page 17, lines 28- 29:

“C.2 Automated Voice Recognition

This is to speed up the processing of inbound voice files and reduce operating costs.”

In the light of the above arguments, re-consideration of the present application is requested. Should the examiner require further clarification, a further Written Opinion is requested.

Yours faithfully,

Peter Langley